



BEAM FURR, MAYOR

Board of County Commissioners District 6
115 S. Andrews Avenue • Fort Lauderdale, Florida 33301
(954) 357-7006

September 19, 2018

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, District of Columbia 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79

Dear Ms. Dortch:

On behalf of Broward County, Florida I write to express our concerns and opposition to the Federal Communications Commission's (FCC) Declaratory Ruling regarding state and local governance of the siting of small cell wireless infrastructure. The County supports the deployment of new technology, but not at the expense of local control over land use decisions and publicly owned infrastructure.

This action by the FCC would undermine state law, cause confusion for local governments and the telecommunications industry, and would surpass current Congressional efforts on this issue. While we share the FCC's goal of ensuring the growth of cutting-edge broadband services for all Americans, we remain deeply concerned about several provisions of this proposal.

Local governments have an important responsibility to protect the health, safety and welfare of residents. We are best suited to evaluate the impact of any potential infrastructure on public rights of way and ensure that facilities are sited in a way that best serves our citizens. The FCC's one-size-fits-all approach cannot fully consider local needs, safety requirements, future development plans, or the aesthetic character of diverse communities across the country.

The Florida legislature recognized the needs would not be the same across the state and created exemptions within the state law for retirement communities, municipalities with unique characteristics such as barrier islands, and areas governed by covenants or restrictions of a homeowner's association. Additionally, the Florida law exempts collocation on municipal electric utility poles and private utility poles in the Florida Department of Transportation's right-of-way. These exemptions were fine-tuned through extensive negotiations with all stakeholders and none of these exemptions are preserved in the Declaratory Ruling.



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The Declaratory Ruling would place processing requirements on local governments and limit our ability to recover the costs incurred. Florida already has a statewide shot clock and fee requirements, and this proposal render existing agreements negotiated between localities and telecommunications companies void. The Declaratory Ruling would also require every local government to once again update their ordinances on this issue and require telecommunications companies to learn an entirely new process.

Finally, the FCC's proposed definition of "effective prohibition" is excessively broad. The draft report and order propose a definition of effective prohibition that invites challenges to established local rights-of-way requirements unless they meet a subjective and unclear set of guidelines. While the FCC may have intended to preserve local review, this framing and definition of effective prohibition opens local governments to the likelihood of more conflict and litigation over requirements for aesthetics, spacing, and undergrounding.

This Declaratory Ruling seeks to solve a problem that local and state governments have already addressed. Small cell deployment is expected to increase 550 percent over 2017 levels this year. Local governments are partnering with the telecommunications industry to deploy this technology quickly, safely, and in a way that best serves our citizens. We strongly urge you to oppose this Declaratory Ruling and allow local governments and the industry to continue to work together without interference.

Sincerely,

A handwritten signature in black ink that reads "Beam Furr".



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